

Message Text

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FM AMEMBASSY MANILA

TO SECSTATE WASHDC PRIORITY 8660

C O N F I D E N T I A L MANILA 13936

E. O. 11652: GDS

TAGS: PINS, RP

SUBJECT: CONGRESSIONAL CONCERN OVER CURRENT POLITICAL SITUATION
IN PHILIPPINES: OSMENA/LOPEZ HUNGER STRIKE

REF: STATE 258671, MANILA 13877

SUMMARY: EMBASSY HAS EXPRESSED TO PHILIPPINE GOVERNMENT
OFFICIALS GROWING CONGRESSIONAL CONCERN OVER TREATMENT OF
POLITICAL PRISONERS INCLUDING OSMENA/LOPEZ. GOP HAS ADVISED
US IT NOW PLANS CIVILIAN TRIAL OF THEM FOR ATTEMPTED MURDER.

1. EMBASSY HAS PASSED WORD TO PHILIPPINE GOVERNMENT
VIA DFA (COLLANTES), DEPARTMENT OF JUSTICE (SOLICITOR
GENREAL MENDOZA), DEPT OF PUBLIC INFORMATION (TATAD) AND
MILITARY TRIBUNALS (GENERAL SYJUCO) OF GROWING CONGRESSIONAL
CONCERN OVER STATUS OF POLICITIAL PRISONERS IN THE
PHILIPPINES WITH PARTICULAR REFERENCE TO THE OSMENA/LOPEZ
HUNGER STRIKE.

2. IN THE COURSE OF OUR DISCUSSIONS WE HAVE NOW RECEIVED
CONFIRMATION THAT THE GOVERNMENT WILL BRING CHARGES AGAINST
OSMENA AND LOPEZ ON THE GROUNDS OF ATTEMPTED MURDER. TATAD
AND MENDOZA BOTH SAID THE TRIAL WILL BE IN A CIVILIAN
COURT, PROBABLY A COURT OF FIRST INSTANCE IN THE MANILA
AREA. SUCH A CASE WOULD BE APPEALABLE THROUGH COURT OF
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APPEALS TO THE SUPREME COURT. A GOVERNMENT STATEMENT TO

THIS EFFECT IS EXPECTED SHORTLY.

3. DFA SENT INSTRUCTIONS TO ITS POSTS ABROAD FOR HANDLING
QUERIES ON OSMENA/LOPEZ NOVEMBER 25. STATEMENT, WHICH IS
NOT UP TO SPEED WITH COMMENTS ABOVE, FOLLOWS:

QUOTE: EUGENIO LOPEZ, JR., AND SERGIO OSMENA III ARE
CHARGED WITH THE FRUSTRATED ASSASSINATION OF THE PRESIDENT.
THE EVIDENCE IS STRONG AND INCONTESTABLE. GUILT
HAS ALSO BEEN ADMITTED. HOWEVER, THERE HAS BEEN NO TRIAL AS YET
BECAUSE OF PENDING CASES IN THE SUPREME COURT FILED BY
BENIGNO AQUINO, JR., QUESTIONING THE JURISDICTION AND THE
VERY CREATION OF THE MILITARY TRIBUNALS THAT ARE TRYING
THE ACCURSE. END QUOTE.

4. WE ASSUME THAT THE WELL PUBLICIZED FACTS OF OSMENA AND
LOPEZ IN THE FOREIGN PRESS AND THE ASSOCIATION OF THE ARCH-
BISHOP WITH THE OSMENA/LOPEZ REQUEST FOR A SPEEDY RESOLUTION
OF THEIR CASE HAS FORCED THE GOVERNMENT'S HAND. ALTHOUGH
THE SOLICITOR GENERAL TOLD THE POLITICAL COUNSELOR THAT
THE PRESIDENT HAD BEEN WORKING ON A NEW APPROACH TO DETAINEES,
WE DOUBT THAT THE DECISION TO TRY OSMENA AND LOPEZ IS DUE
TO GOVERNMENT INITIATIVE. THE GOVERNMENT SHOULD BE ABLE TO
USE SUCH EVIDENCE AS IT HAS ON HAND TO GOOD EFFECT IN WHAT
WILL OBVIOUSLY BE AN EXTREMELY WELL PUBLICIZED TRIAL. THE
REGIME NO DOUBT ANTICIPATES WITH SOME MISGIVINGS, HOWEVER, THAT
ANY PUBLICITY CONCERNING THE TRIAL WILL GO BEYOND A SIMPLE
EVALUATION OF EVIDENCE AGAINST OSMENA AND LOPEZ INTO THE NATURE
AND CONDUCT OF THE NEW SOCIETY, INCLUDING THE EXCESSIVELY LONG
DETENTION OF OSMENA AND LOPEZ AND, POTENTIALLY, THE TREATMENT
OF PRESUMED OPPONENTS OF THE REGIME SUCH AS SANTIAGO ARCE AND
MARSMAN ALVAREZ (SEE SEPTTEL).
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